



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

APR - 8 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Plaza East, LLC
East Plaza, LLC
306 East 1st Street
East Syracuse, NY 13057
Attention: Joseph Basile

and

Plaza East, LLC
East Plaza, LLC
P.O. Box 156
East Syracuse, NY 13057
Attention: Joseph Basile

Re: Lower Ley Creek Subsite, Onondaga Lake Superfund Site, Onondaga County, New York: Notice of Potential Liability

Dear Mr. Basile:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675.

EPA has documented the release and threatened release of hazardous substances into the environment at the Lower Ley Creek Subsite ("Subsite") of the Onondaga Lake Site ("Site"), located in Onondaga County, New York. At the request of the New York State Department of Environmental Conservation ("NYSDEC"), EPA assumed responsibility for the Subsite in July 2009. EPA has spent and anticipates spending additional public funds to investigate and control releases or potential releases of hazardous substances at the Subsite. This letter serves to notify you that, based on information presently available, EPA has determined that Plaza East, LLC, also known as East Plaza, LLC (collectively hereinafter referred to as "Plaza East"), is a potentially responsible party ("PRP") at the Subsite and may be liable under CERCLA for the cleanup of the Site and for costs EPA has incurred addressing contamination at the Site.

SITE BACKGROUND

This Subsite includes the lower two miles of Ley Creek (including the adjacent floodplains) beginning at and including the Route 11 bridge (a.k.a. Brewerton Road) and ending downstream at Onondaga Lake. The Subsite also includes a 3.7-acre wetland situated on the southern bank of the Creek and Old Ley Creek Channel, an original section of the Creek before it was widened and redirected during a flood control project in the 1970s. In addition, the Subsite includes several sections along the banks of the Creek where dredged contaminated sediments were placed during the flood control project.

NOTICE OF POTENTIAL LIABILITY

Under CERCLA, PRPs may be required to perform cleanup actions and/or may be held liable for costs incurred by the federal government in taking response actions at and around sites where there has been a release or a threatened release of hazardous substances. This can include costs incurred performing investigative, planning, removal, and enforcement activities. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the owner of property upon which there is a release or threatened release of a hazardous substance.

By this letter, we notify Plaza East that, as the current owner or operator of a facility where there is and/or has been a release or threatened release of hazardous substances and as an entity which, at the time of disposal of any hazardous substance, owned or operated any facility at which such hazardous substances were disposed of, you are considered to be a PRP with respect to the Subsite, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

EPA has been investigating the conditions at the Subsite over the past few years and intends to release a proposed plan in the coming months which will detail EPA's preferred remedy for addressing contamination at the Subsite.

If you have any legal questions or would like to discuss this matter with EPA, please contact Lauren Charney in EPA Region 2's Office of Regional Counsel at charney.lauren@epa.gov or 212-637-3181. Should you have any technical questions regarding the Subsite, please direct them to the remedial project manager, Pam Tames, at tames.pam@epa.gov or 212-637-4255.

Sincerely,



Nicoletta Diforte, Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

cc: Robert F. Baldwin, Jr.
Baldwin & Sutphen, LLP
100 Clinton Square, Suite 320
Syracuse, New York 13202